



BOARD OF ZONING APPEALS STAFF REPORT

To: Members of the Board of Zoning Appeals

From: Sergio Mendoza, Planning Director

Meeting Date: October 10, 2023

Agenda Item: BZA Docket No. 23-010

Application Type: **Developmental Standards Variance**

Hearing: **PUBLIC HEARING**

Summary: Katherine Rayner with Crew Carwash is seeking variances for three development standards: an off-site dumpster location, reduction of landscape in the first lot layer, and reuse of a previous carwash sign structure for a proposed Crew Carwash facility.

Applicant: Katherine Rayner, Crew Carwash Development Project Manager

Property Address: 111 Ridge Road

Current Zoning: CD-4A General Urban-A Character District

Adjacent Zoning: North: CD-3.R1 (Neighborhood- 70' Lot SFR Character District)
South: CD-4A General Urban-A Character District
East: CD-4A General Urban-A Character District
West: CD-4A General Urban-A Character District

Action Requested: Approval of Developmental Standards Variance

Additional Actions Required: Findings of Fact

Staff Recommendation: Open and close public hearing.

Previous Attachments:

1. Dumpster Enclosure Plan & Elevations prepare by Cripe
2. Landscape Plan completed by Wildridge Landscape 8/2/2023
3. Development Plans completed by DVG 8/22/2023
4. Site Enclosure Plans/Elevations completed by Cripe 8/11/2023
5. Narrative Statement from Katherine Rayner 8/22/20

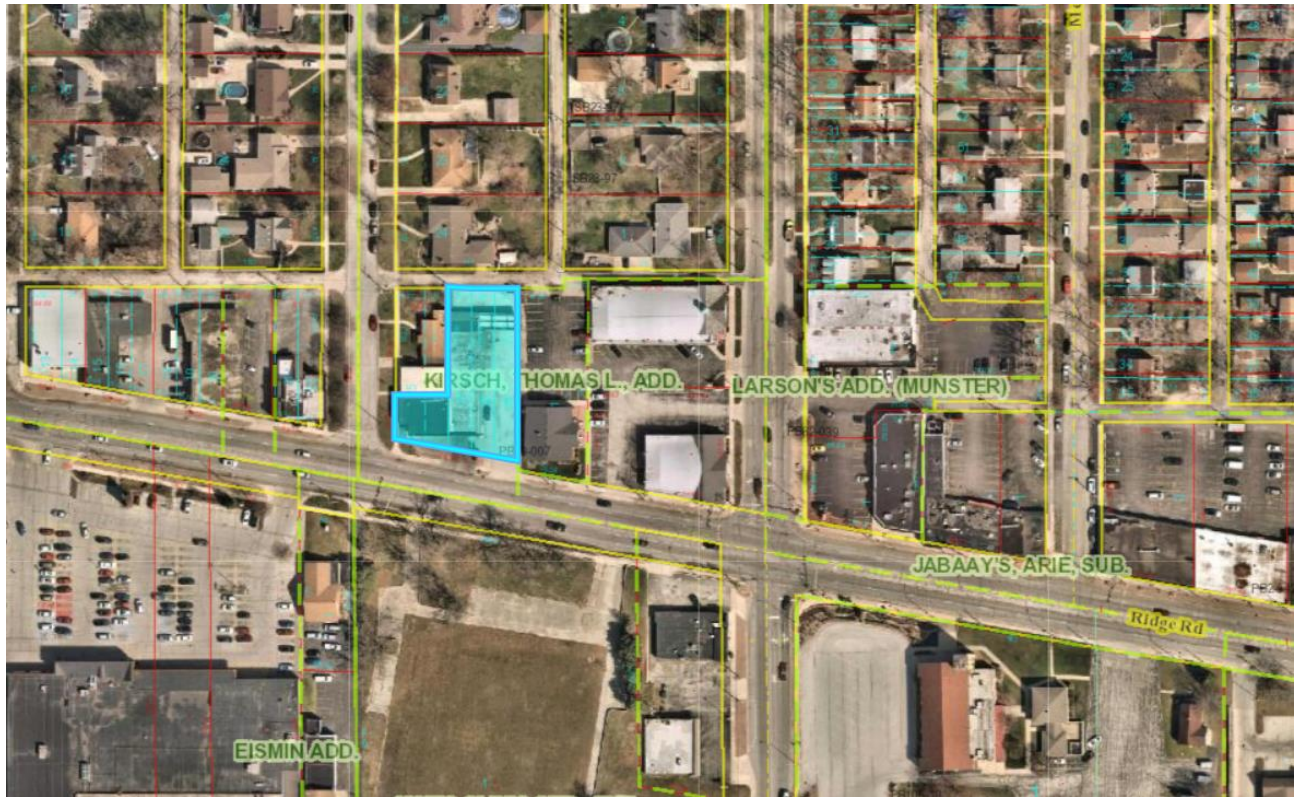


Figure 1 Subject Property.

PROJECT BRIEFING

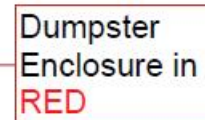
Katherine Rayner, Development Project Manager with Crew Carwash is proposing the reuse of a former car structure for a Crew Carwash facility. The project will consist of a one-story carwash tunnel with approximately 5,780 square feet of total floor area on .38 of an acre (*see figure 1*). All traffic will enter at the south end of the property from Ridge Road from an existing curb cut. Customers will drive to one of three proposed lanes where they will select and purchase their wash. The washed vehicles will again exit on the south end of the property on to Ridge Road from an existing curb cut, proposed to be reduced in width.

The petitioner is seeking relief from certain development standards to help advance this project. A Developmental Standards Variance Application has been filed to allow for: an off-site dumpster location, to be located on an adjacent lot east of the project site at 131 Ridge Road (*see figure 2*); a reduction on landscape requirement in the first lot layer from 30% to 13%, (*see figure 3*) and; alter and maintain an existing “exposed pole” sign structure with an increase of letter height from the permitted 10” to 26” and an existing 40 sf sign face from the required 8 SF (*see figure 4*).

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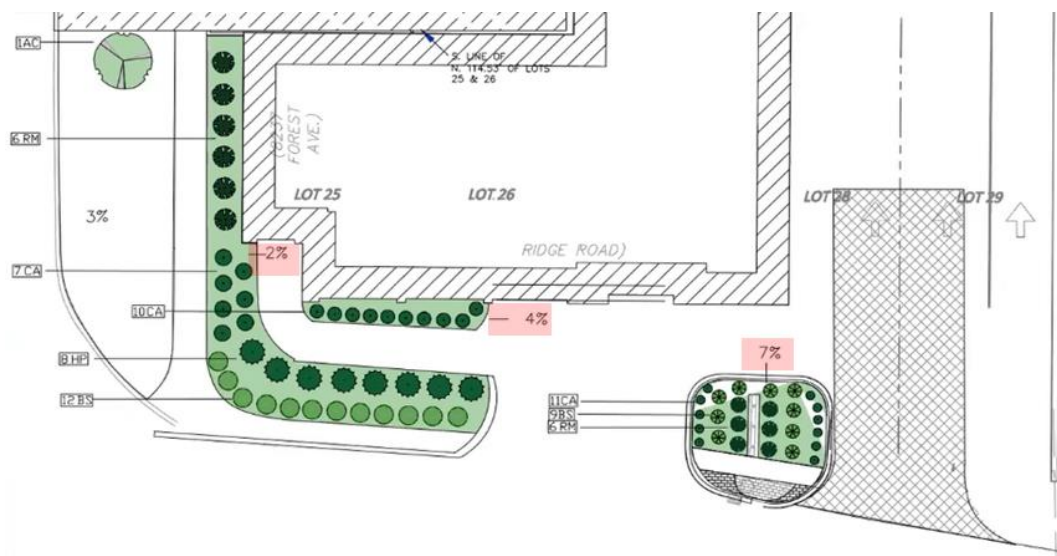
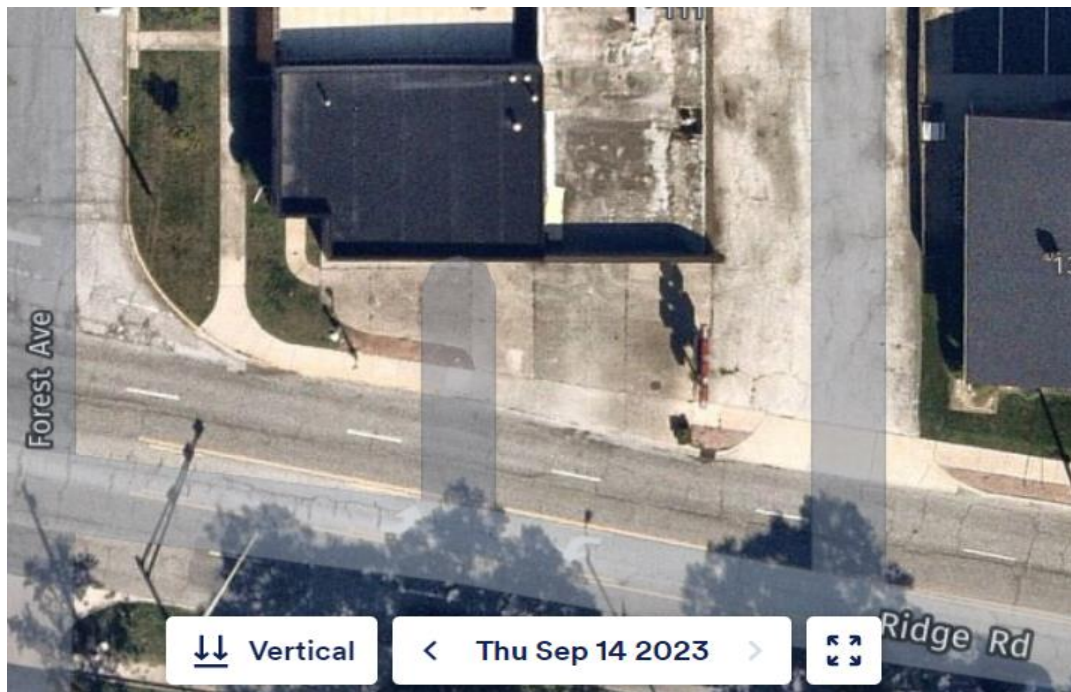


Figure 3 First lot layer Landscape Plan.

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Figure 4 Proposed Signage.

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The Munster Character Based Zoning codes from which the petition is seeking variances from are:

SECTION 26-6.405. O. 5. Trash Receptacle Requirements. (MZC pg. 256)

“Trash receptacles shall be provided for each Lot and shall be located in accordance with Section 26-6.405.O.6.”

TABLE 26-6.405. A-6: Private Landscaping and Fencing (MZC pg. 114)

“for all areas not covered by Structure, Parking Area, walkway, patio, terrace, or deck. If First Lot Layer \geq 10 ft., minimum of 30% of 1st Lot Layer must be landscaped in compliance with Section 26-6.405.P. 1st Lot Layer may not be paved except for driveway and sidewalk.”

SECTION 26-6-6.122 D. 2. b.: Alteration, Enlargement, Extension, etc. of Nonconforming Buildings Structures, Improvements, or Signs. (MZC pg. 14)

“If a Nonconforming Sign is Altered after the date of this Article ...the legal status of such Nonconforming Sign shall terminate and such Sign must conform to this Article...”

et seq.

SECTION: 26-6.701 B. 5. c. i.: General Sign provisions (MZC pg. 333)

*“The following materials are prohibited for Sign backgrounds, frames, supports, and ornamentation:
i. Exposed metal poles and...”*

And

TABLE 26-6.701 B. Dimensions (MZC pg. 349)

“Quantity (max): 1 per Building; Area 8 sf; Width / Height of Sign panel: max 48 in/max 40 in; Apex: 6 ft; Letter Height: max 10 in.”

VARIANCE STANDARDS

The variance process is established to provide relief to a property owner when, due to unique circumstances, compliance with the zoning code imposes a hardship or practical difficulty on a property owner. The BZA is under no obligation to grant a variance. It is the petitioner's responsibility to prove a hardship or practical difficulty. The BZA should ask the petition to address the criteria listed below.

Section 26-6.804. I. Deviation from Standards & Requirements (pg 392) of the Munster Zoning Code states that the basis for a variance is as follows:

g. General Standards.

A Variance may be granted only if the Decision-Making Authority has made the following determinations for such Variance:

- i. the practical difficulties or unnecessary hardships that would be incurred by strict application of the Use or Development standard, as applicable, are unique and not shared by all properties in the vicinity and are not self-imposed;
- ii. such Variance is the minimum Variance that will relieve such practical difficulties or unnecessary hardships, as applicable;
- iii. such Variance is in the spirit of the general purposes and intent of this Article as stated in Division 1; and
- iv. such Variance is so designed as to provide reasonable consideration to, among other things, the character of the neighborhood, District, or Civic Zone, the conservation of property values in the vicinity, and the guidance of Development in accordance with the Comprehensive Plan.

h. Specific to Development standards Variances:

A Variance from Development Standards may be approved or approved with conditions only if:

- i. it will not be injurious to the public health, safety, morals, and general welfare of the community;
- ii. the use and value of the area Adjacent to the property included in the Variance will not be affected in a substantially adverse manner; and
- iii. the strict application of the Development standards will result in practical difficulties in the use of the property.

STAFF FINDINGS and RECOMMENDATION

Staff review of the subject site identifies the lot to be approximately 75 percent smaller than other nearby Crew Carwash facilities located in Merrillville and St. John. The established lot of record at the Munster location, along with the existing carwash structure, predate the adoption of the town's current zoning codes. The re-establishment of the former carwash may present practical difficulties for the site to fully comply with the strict application of the 30% first lot layer landscape requirements due to the location of the existing structure. In addition, the size of the lot limits the opportunity for a dumpster to meet the current bulk and design standards and be located on-site. The current exposed pole sign structure appears to have been designed to allow for vehicular line of site for customers exiting onto Ridge Road, while allowing for marketing of the location. Finally, from review of a historic ariel image, the sign and proportion of the lettering may have been part of the neighborhood character in 1978. It is the opinion of staff that the town's current zoning codes impact the preexisting structures and site design for the same land use and believes granting the variances requested will relieve such practical difficulties.

One additional note, it is the recommendation of staff that no action be taken until a dumpster location easement agreement has been executed and presented to the Board. Or if there is a motion to grant the variances, that it be with the condition that no site improvement permit (building permit) be issued until a dumpster location easement agreement has been executed and secured with BZA 23-010 file.

MOTION

The Board of Zoning Appeals may wish to consider one of the following motions:

1. *Motion to table/defer BZA 23-010 to November 14, 2023 to allow time for the petitioner to submit an executed dumpster easement agreement.*

Or

2. *Motion to approve BZA 23-010 variances as presented, including all discussion and findings with the condition that no building permit be issued until an executed dumpster easement agreement has been secured with the Community Development Department.*

Or

3. *Motion to approve BZA 23-010 variances as presented, including all discussion and findings*